

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 19, 2004

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Burkett, Gannon, Noble, Schroeder, Stegner, Stennett, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Teri Roderick, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 18, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Gannon, Schroeder, Stegner, and Stennett were recorded present at this order of business.

March 18, 2004

The JUDICIARY AND RULES Committee reports that **S 1232**, as amended, **S 1279**, as amended, as amended in the House, **S 1283**, **S 1288**, **S 1289**, **S 1292**, **S 1350**, as amended, **S 1373**, as amended, **S 1391**, **S 1416**, **S 1438**, and **S 1440** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1232**, as amended, **S 1279**, as amended, as amended in the House, **S 1283**, **S 1288**, **S 1289**, **S 1292**, **S 1350**, as amended, **S 1373**, as amended, **S 1391**, **S 1416**, **S 1438**, and **S 1440** and ordered them transmitted to the House for the signature of the Speaker.

March 19, 2004

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 777**, **H 760**, as amended, and **H 761**, as amended, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 18, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1430** and **S 1431** were delivered to the Office of the Governor at 1:30 p.m., March 18, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 19, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 774** with the recommendation that it do pass.

NOH, Chairman

H 774 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 19, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Jeremy Maxand of Boise, Idaho, to be Acting State Senator for Legislative District 19. This appointment will be effective March 19, 2004, and continue until such time as Senator Mike Burkett is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Mike Burkett, State Senator, District 19, Ada County, State of Idaho, has nominated Jeremy Maxand of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 19, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Jeremy Maxand, to the office of State Senator, District 19, Ada County, State of Idaho, for a term commencing on March 19, 2004, and continuing until such time as Senator Mike Burkett is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this nineteenth day of March, in the year of our Lord Two thousand and four and of the Independence of the United States of America, the two hundred and twenty-eighth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Acting Senator Jeremy Maxand, and he was recorded present at this order of business.

March 18, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1224, S 1264

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Noble and Sweet were recorded present at this order of business.

March 18, 2004

Mr. President:

I return herewith **S 1443** which has passed the House.

JUKER, Chief Clerk

S 1443 was referred to the Judiciary and Rules Committee for enrolling.

March 18, 2004

Mr. President:

I transmit herewith Enrolled **H 521, H 488, H 619, H 482**, as amended, **H 670, H 585, H 633, H 669, H 768, H 560**, as amended in the Senate, and **H 473**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 521, H 488, H 619, H 482**, as amended, **H 670, H 585, H 633, H 669, H 768, H 560**, as amended in the Senate, and **H 473**, as amended in the Senate, and ordered them returned to the House.

March 18, 2004

Mr. President:

I transmit herewith Enrolled **H 627, H 706, H 604**, as amended, **H 570, H 654, H 684, H 564, H 587**, as amended, **H 727, H 658, H 697, H 677, H 683, H 783, H 784, H 785, H 786**, and **H 724** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 627, H 706, H 604**, as amended, **H 570, H 654, H 684, H 564, H 587**, as amended, **H 727, H 658, H 697, H 677, H 683, H 783, H 784, H 785, H 786**, and **H 724** and ordered them returned to the House.

March 18, 2004

Mr. President:

I return herewith Enrolled **S 1256, S 1257, S 1258, S 1259, S 1260, S 1276, S 1282, S 1311, S 1371, S 1382, SCR 129**, and **SJM 109** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1256, S 1257, S 1258, S 1259, S 1260, S 1276, S 1282, S 1311, S 1371**, and **S 1382** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

SCR 129 and **SJM 109** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 18, 2004

Mr. President:

I transmit herewith Enrolled **HJM 20, HJM 22, HCR 54, HJM 21, HJM 25, HJM 23**, as amended, **HJM 24, H 789, H 790, H 791, H 792, H 793, H 794, H 818, H 819, H 822, H 823, H 824**, and **H 795** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 20, HJM 22, HCR 54, HJM 21, HJM 25, HJM 23**, as amended, **HJM 24, H 789, H 790, H 791, H 792, H 793, H 794, H 818, H 819, H 822, H 823, H 824**, and **H 795** and ordered them returned to the House.

March 18, 2004

Mr. President:

I return herewith Enrolled **S 1262**, as amended, **S 1275, S 1353, S 1367, S 1379, S 1394, S 1407, S 1432, S 1433**, and **S 1434** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1262**, as amended, **S 1275, S 1353, S 1367, S 1379, S 1394, S 1407, S 1432, S 1433**, and **S 1434** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 777, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

H 760, as amended, as amended in the Senate, and **H 761**, as amended, as amended in the Senate, by Revenue and Taxation Committee were read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 836, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 806 and **H 816**, as amended, by Ways and Means Committee, were read the second time at length and filed for third reading.

H 828, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 835, by Business Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 712 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Noh, Little, and Werk.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except President Pro Tempore Geddes and Senators Brandt, Davis, McKenzie, Pearce, and Sweet.

The President directed the Sergeant at Arms to find and present President Pro Tempore Geddes and Senators Brandt, Davis, McKenzie, Pearce, and Sweet to the Senate.

President Pro Tempore Geddes and Senators Brandt, Davis, McKenzie, Pearce, and Sweet were recorded present.

On request by Senator Noh, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 712** pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 712** passed, title was approved, and the bill ordered returned to the House.

H 648 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 648** passed, title was approved, and the bill ordered returned to the House.

H 770 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 770** passed, title was approved, and the bill ordered returned to the House.

H 726, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 726**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 499, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 499**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 671** retained its place on the Third Reading Calendar.

The President called Senator Little to the Chair.

H 526 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 526** passed, title was approved, and the bill ordered returned to the House.

H 527 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 527** passed, title was approved, and the bill ordered returned to the House.

H 529 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 529** passed, title was approved, and the bill ordered returned to the House.

H 678 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 678** passed, title was approved, and the bill ordered returned to the House.

H 596 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 596** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 632 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 632** passed, title was approved, and the bill ordered returned to the House.

H 748 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bailey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 748** passed, title was approved, and the bill ordered returned to the House.

H 552, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 552**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 531 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 531** passed, title was approved, and the bill ordered returned to the House.

H 589, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Maxand arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Calabretta, Davis, Hill, Ingram, Kennedy, Keough, Malepeai, Marley, Maxand (Burkett), Noh, Stegner, Stennett, Werk. Total - 14.

NAYS--Bailey, Brandt, Bunderson, Burtenshaw, Compton, Darrington, Gannon, Geddes, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Sweet, Williams. Total - 17.

Absent and excused--Cameron, Goedde, Schroeder, Sorensen. Total - 4.

Total - 35.

Whereupon the President declared that **H 589**, as amended, had failed to pass the Senate and ordered the bill returned to the House.

H 532 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 532** passed, title was approved, and the bill ordered returned to the House.

H 625, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 625**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 691 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Gannon, Goedde, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 26.

NAYS--Burtenshaw, Darrington, Davis, Geddes, Hill, Ingram, Pearce, Richardson, Williams. Total - 9.

Total - 35.

Whereupon the President declared **H 691** passed, title was approved, and the bill ordered returned to the House.

H 692 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, Pearce, Richardson, Sorensen, Stegner, Werk, Williams. Total - 28.

NAYS--Sweet. Total - 1.

Absent and excused--Andreason, McWilliams, Noble, Noh, Schroeder, Stennett. Total - 6.

Total - 35.

Whereupon the President declared **H 692** passed, title was approved, and the bill ordered returned to the House.

H 682 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Williams and Burtenshaw arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 27.

NAYS--Calabretta, Kennedy, Maxand (Burkett), Noh, Schroeder, Stennett, Werk. Total - 7.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 682** passed, title was approved, and the bill ordered returned to the House.

H 487 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 487** passed, title was approved, and the bill ordered returned to the House.

H 579, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 579**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 656 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 656** passed, title was approved, and the bill ordered returned to the House.

H 694 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 694** passed, title was approved, and the bill ordered returned to the House.

H 646 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 646** passed, title was approved, and the bill ordered returned to the House.

H 629 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 629** passed, title was approved, and the bill ordered returned to the House.

H 772 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 772** passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 1:15 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Noble and Schroeder, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senators Noble and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, **H 671**, having been held, was placed before the Senate for consideration at this time.

H 671 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 671** passed, title was approved, and the bill ordered returned to the House.

H 659, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sorensen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), Noble, Pearce, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 27.

NAYS--Bailey, Darrington, Davis, McKenzie, Richardson. Total - 5.

Absent and excused--McWilliams, Noh, Schroeder. Total - 3.

Total - 35.

Whereupon the President declared **H 659**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 773 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 773** passed, title was approved, and the bill ordered returned to the House.

H 808 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 808** passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

H 776 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 776** passed, title was approved, and the bill ordered returned to the House.

H 653 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett and Noh arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Hill. Total - 1.

Absent and excused--Bailey, Brandt, Gannon. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 653** passed, title was approved, and the bill ordered returned to the House.

H 807 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Kennedy. Total - 1.

Absent and excused--Malepeai, Schroeder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 807** passed, title was approved, and the bill ordered returned to the House.

H 787 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McWilliams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 787** passed, title was approved, and the bill ordered returned to the House.

H 631, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 631**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 815 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sweet, Werk, Williams. Total - 30.

NAYS--Davis, Stegner. Total - 2.

Absent and excused--Goedde, Sorensen, Stennett. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 815** passed, title was approved, and the bill ordered returned to the House.

H 636, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noh arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 636**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 711 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 711** passed, title was approved, and the bill ordered returned to the House.

H 508, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 508**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 802 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 802** passed, title was approved, and the bill ordered returned to the House.

H 728, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Davis, Richardson. Total - 2.

Absent and excused--Compton, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 728**, as amended, passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Stegner to the Chair.

H 778 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 778** passed, title was approved, and the bill ordered returned to the House.

H 752, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 752**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 590, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 590**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 751, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Maxand arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 751**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 771 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 771** passed, title was approved, and the bill ordered returned to the House.

H 803 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 803** passed, title was approved, and the bill ordered returned to the House.

H 812 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 812** passed, title was approved, and the bill ordered returned to the House.

H 515 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 27.

NAYS--Calabretta, Kennedy, Malepeai, Marley, Maxand (Burkett), Schroeder, Stennett, Werk. Total - 8.

Total - 35.

Whereupon the Acting President declared **H 515** passed, title was approved, and the bill ordered returned to the House.

H 811 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 811** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore returned to the Chair.

H 756 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 28.

NAYS--Brandt, Calabretta, Geddes, Keough, Noble, Pearce, Sweet. Total - 7.

Total - 35.

Whereupon the President Pro Tempore declared **H 756** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 836** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 836** was read the third time at length, section by section, and put upon its final passage.

H 836 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett and Noh arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 836** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 806** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 806** was read the third time at length, section by section, and put upon its final passage.

H 806 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Williams. Total - 27.

NAYS--Kennedy, Malepeai, Marley, Maxand (Burkett), Schroeder, Stennett, Werk. Total - 7.

Absent and excused--Sweet. Total - 1.

Paired and voting included in roll call:

AYE - Pearce NAY - Schroeder

Total - 35.

Whereupon the President Pro Tempore declared **H 806** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 816**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 816**, as amended, was read the third time at length, section by section, and put upon its final passage.

H 816, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 816** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 828** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 828** was read the third time at length, section by section, and put upon its final passage.

H 828 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams.
Total - 35.

Whereupon the President Pro Tempore declared **H 828** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 835** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 835** was read the third time at length, section by section, and put upon its final passage.

H 835 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams.
Total - 35.

Whereupon the President Pro Tempore declared **H 835** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions and Memorials

SJM 111

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE ATTORNEY GENERAL OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Constitution of the United States of America and the Constitution of the State of Idaho recognize and guarantee Idaho citizens certain fundamental rights, including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial by an impartial jury; and

WHEREAS, each of Idaho's duly elected public servants has sworn to defend and uphold the Constitution of the United States and the Constitution of the State of Idaho; and

WHEREAS, any infringement of the Constitution of the United States or the Constitution of the State of Idaho is an abuse of power, a breach of the public trust, a misappropriation of public resources, a violation of civil rights, and is beyond the scope of governmental authority; and

WHEREAS, the state of Idaho denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, the state of Idaho recognizes and fully supports the responsibility of government to protect its borders and citizens from acts of aggression and terrorism; and

WHEREAS, the state of Idaho recognizes that these efforts should be conducted in a rational and deliberative fashion and should never infringe on the nation's most treasured constitutional rights and freedoms; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support the government of the United States of America in its campaign against terrorism, and affirm its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country as provided in the Constitution of the United States and the Bill of Rights.

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, implore the Congress of the United States to rescind those provisions in the USA PATRIOT Act and other measures which violate the Constitution of the United States of America and which infringe on civil liberties.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George W. Bush, the Attorney General of the United States, John Ashcroft, the President of the Senate and the Speaker of the House of Representatives of Congress and the congressional delegation representing the State of Idaho in the Congress of the United States.

SJM 111 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 19, 2004

The JUDICIARY AND RULES Committee reports that **S 1443** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1443**, and ordered it transmitted to the House for the signature of the Speaker.

March 19, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1256, S 1257, S, 1258, S 1259, S 1260, S 1262**, as amended, **S 1275, S 1276, S 1282, S 1311, S 1353, S 1367, S 1371, S 1379, S 1382, S 1394, S 1407, S 1432, S 1433**, and **S 1434** were delivered to the Office of the Governor at 1:30 p.m., March 19, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 19, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 129** and **SJM 109** were delivered to the Office of the Secretary of State at 11:07 a.m., March 19, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 19, 2004

The STATE AFFAIRS Committee reports out **HCR 50** with the recommendation that it do pass.

SORENSEN, Chairman

HCR 50 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 19, 2004

Mr. President:

I return herewith **S 1444**, as amended in the House, as amended in the House, which has passed the House.

JUKER, Chief Clerk

S 1444, as amended in the House, as amended in the House, was referred to the Education Committee.

March 19, 2004

Mr. President:

I transmit herewith **HJM 26, H 842, H 800**, as amended, and **HCR 56** which have passed the House.

JUKER, Chief Clerk

HJM 26, H 842, H 800, as amended, and **HCR 56** were filed for first reading.

March 19, 2004

Mr. President:

I return herewith **SCR 128, SCR 127, S 1313**, as amended, **S 1269**, as amended, **S 1280**, as amended, **S 1301**, as amended, **S 1418, SCR 132, S 1393**, as amended, and **S 1389** which have passed the House.

JUKER, Chief Clerk

SCR 128, SCR 127, S 1313, as amended, **S 1269**, as amended, **S 1280**, as amended, **S 1301**, as amended, **S 1418, SCR 132, S 1393**, as amended, and **S 1389** were referred to the Judiciary and Rules Committee for enrolling.

March 19, 2004

Mr. President:

I transmit herewith Enrolled **H 520**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 520**, as amended in the Senate, and ordered it returned to the House.

March 19, 2004

Mr. President:

I return herewith **S 1323**, as amended in the House, and **S 1439**, as amended in the House, which have passed the House.

JUKER, Chief Clerk

On request by Senator Gannon, granted by unanimous consent, **S 1323**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Cameron, granted by unanimous consent, **S 1439**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 19, 2004

Mr. President:

I transmit herewith **H 616, H 739, H 753, H 602, H 696**, as amended, **H 592, H 634**, as amended, **H 609**, as amended, **H 686, H 645, H 620, H 799**, as amended, **H 837, H 838, H 839, H 840, H 841, H 801, H 805, H 820, H 821, H 512**, as amended, and **H 638** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 616, H 739, H 753, H 602, H 696**, as amended, **H 592, H 634**, as amended, **H 609**, as amended, **H 686, H 645, H 620, H 799**, as amended, **H 837, H 838, H 839, H 840, H 841, H 801, H 805, H 820, H 821, H 512**, as amended, and **H 638** and ordered them returned to the House.

March 19, 2004

Mr. President:

I return herewith Enrolled **S 1232**, as amended, **S 1279**, as amended, as amended in the House, **S 1283, S 1288, S 1289, S 1292, S 1350**, as amended, **S 1373**, as amended, **S 1391, S 1416, S 1438**, and **S 1440** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1232**, as amended, **S 1279**, as amended, as amended in the House, **S 1283, S 1288, S 1289, S 1292, S 1350**, as amended, **S 1373**, as amended, **S 1391, S 1416, S 1438**, and **S 1440** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 19, 2004

Mr. President:

I transmit herewith **HJM 27, H 843, H 845, H 846**, and **H 847** which have passed the House.

JUKER, Chief Clerk

HJM 27, H 843, H 845, H 846, and **H 847** were filed for first reading.

March 19, 2004

Mr. President:

I return herewith **S 1293**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Stegner, granted by unanimous consent, **S 1293**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 50** were suspended.

The President Pro Tempore announced that **HCR 50** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that **HCR 50** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Pearce, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 50** adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that the House amendments to **S 1323**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1323**, as amended in the House?"

On request by Senator Gannon, granted by unanimous consent, the Senate concurred in the House amendments to **S 1323**, as amended in the House.

S 1323, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President Pro Tempore announced that the House amendments to **S 1439**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1439**, as amended in the House?"

On request by Senator Cameron, granted by unanimous consent, the Senate concurred in the House amendments to **S 1439**, as amended in the House.

S 1439, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President Pro Tempore announced that the House amendments to **S 1293**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1293**, as amended in the House?"

On request by Senator Stegner, granted by unanimous consent, the Senate concurred in the House amendments to **S 1293**, as amended in the House.

S 1293, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1448

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC RIGHTS-OF-WAY; AMENDING SECTION 40-203A, IDAHO CODE, TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO RELOCATE RIGHTS-OF-WAY WITHIN THE BOUNDARIES OF THE AFFECTED PROPERTY THROUGH AGREEMENTS WITH PROPERTY OWNERS AND TO PROVIDE FOR RELOCATION IF THE RIGHT-OF-WAY IS FOUND TO EXIST WITHIN THE BOUNDARIES OF PRIVATE LAND; AMENDING SECTION 40-204A, IDAHO CODE, TO PROVIDE RECOGNITION TO REVISED STATUTE 2477 OFFER APPLIED TO RIGHTS-OF-WAY AND TO DELETE LANGUAGE STATING THE ONLY METHOD FOR ABANDONMENT OF THESE RIGHTS-OF-WAY SHALL BE THAT OF EMINENT DOMAIN; AND AMENDING SECTION 40-208, IDAHO CODE, TO REVISE JUDICIAL REVIEW PROCEDURES AND TO MAKE A TECHNICAL CORRECTION.

S 1448 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HJM 26, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 842, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 800, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

HCR 56, by Ways and Means Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

HJM 27, by Ways and Means Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

H 843, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 845, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 846, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 847, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 774** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 774** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 774 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Noh arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 774** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 777**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 774**, as amended in the Senate, was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 777, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Sorensen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 777**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 760**, as amended, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 760**, as amended, as amended in the Senate, was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 760, as amended, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 760**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 761**, as amended, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 761**, as amended, as amended in the Senate, was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 761, as amended, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, Maxand (Burkett), McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 761**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 8:15 p.m. until the hour of 9:30 a.m., Saturday, March 20, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary